

CITY COUNCIL, CITY OF LODI
CITY HALL COUNCIL CHAMBERS
MARCH 15, 1967

A regular meeting of the City Council of the City of Lodi was held beginning at 8:00 p.m. of Wednesday, March 15, 1967, in the City Hall Council Chambers.

ROLL CALL Present: Councilmen - BROWN, CULBERTSON, HUNNELL,
KIRSTEN and WALTON (Mayor)

Absent: Councilmen - None

Also present: City Manager Graves, Administrative Assistant Peterson and Director of Public Works Jones.

MINUTES On motion of Councilman Kirsten, Culbertson second, the minutes of March 1, 1967, were approved as written and mailed after striking out the words "if he agrees" in the seventeenth line from the top of page 6.

PUBLIC HEARINGS

BALL CLUB OFFICE BLDG AT BALLPARK Mr. Cappy Harada, General Manager of the Lodi Baseball Club, addressed the Council concerning a proposal to erect an office for the ball club at Lawrence Ballpark. He said that steps leading to the pressbox are hazardous and are to be removed leaving an area which could be used for office space. Mr. Harada suggested that the City install a concrete slab in the space (approximate cost \$100) and permit the club to construct an office building thereon. Councilman Brown said the slab would be 8' x 15' and would be added to the present building which would give the club an over-all area of 15' x 16'. On being questioned, Mr. Harada reported that a restroom in the proposed office building would not be necessary because it is in a park area and restrooms are available. Councilman Kirsten moved that the suggestion of Mr. Harada be approved subject to approval by the City Attorney. The motion was seconded by Councilman Brown and carried.

SIGNS IN C-S ZONES Notice thereof having been published in accordance with law, Mayor Walton called for public hearing on the recommendation of the Planning Commission to amend sign regulations in the C-S Commercial Shopping District. The recommendations are as follows:

ORD. NO. 835
INTRODUCED

1. The ratio for calculating maximum sign area for individual businesses within a shopping center shall be two square feet of sign area for each one foot of lineal building frontage.
2. The maximum sign area for individual businesses located on corners (i.e., building frontage on two sides) shall be calculated at seventy-five per cent of the above two to one ratio.
3. Signs for individual businesses shall be flush mounted, indirectly lighted and shall not extend above the height of the building on which they are mounted.
4. Free-standing signs which identify the shopping center shall require a use permit and shall not be counted against the total allowable sign area.

The Director of Public Works showed slides of free-standing identification signs in shopping centers, including reader boards and individual identification

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signs attached to the shopping center sign. Councilman Culbertson said that consideration should be given to minimum clearance. There was no one in the audience who wished to speak on this matter so the public portion of the hearing was closed. Councilman Culbertson said he was not in favor of leaving the provisions for free-standing signs wide open and dependent upon the discretion of individuals which can lead to inequities.

Members of the Council were in agreement that the first three recommendations of the Planning Commission should be approved. However, they felt that the fourth point, concerning the free-standing shopping center identification signs, should be considered further. Discussion centered on sizes of signs, whether or not reader boards should be permitted and/or individual business identification signs and how they should be regulated. Councilman Kirsten moved that Ordinance No. 835 be introduced amending the City Code sign regulations by adoption of Planning Commission recommendations 1, 2 and 3 and regulating free-standing signs which identify a shopping center as follows: Such signs shall be a maximum of 300 sq. ft. on each side, ~~50~~ ⁵⁰ sq. feet of the total sign area could be used for individual identification signs uniform in size, shape, and lettering, not more than 1 ft. x 5 ft. in dimension and available to businesses having a minimum of 10% of the building frontage, and the bottom of the sign or signs to be a minimum of 12 feet in height from the ground. The motion was seconded by Councilman Brown. Councilman Culbertson moved to amend the motion to allow reader boards. His motion died for lack of a second. After discussion, on motion of Councilman Kirsten, Brown second, the motion was amended to limit the height from the ground to 10 feet. Councilman Culbertson suggested that the Planning Commission be given the discretion of deciding if two identification shopping center signs should be allowed in a center of 8 or 10 acres. On motion of Councilman Kirsten, Brown second, the original motion was again amended to include the stipulation that a shopping center of 10 acres or more may have two free-standing identification signs subject to approval of the Planning Commission. The motion as amended, introducing Ordinance No. 835, then carried by unanimous vote.

RECESS

The Mayor then declared a five-minute recess and the Council reconvened at 10 p.m.

PLANNING COMMISSION

REZONING NE COR.
HAM & SYLVIA
TO R-3

Mr. Graves read the report from the Planning Commission which included the recommendation that, as requested by the Bethel Open-Bible Church, the property at the northeast corner of Ham Lane and Sylvia Drive be rezoned from the R-1 Single Family Residential District to the R-3 Limited Multiple Family Residential District. On motion of Councilman Brown, Culbertson second, the above recommendation was set for public hearing at the meeting of April 5, 1967.

PLANNING COMMISSION ACTIONS

Other actions of the Planning Commission of interest to the Council were reported as follows:

1. Denied the request of Mr. L. J. Norris for a use permit to install a flashing arrow (impact sign) at a restaurant located at 322 North California Street in an area zoned C-2 General Commercial.

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The Planning Commission determined that this sign would tend to cause a traffic hazard.

2. Approved the request of Mrs. Erma Pond to transfer a use permit for an existing nursing home with a maximum of five persons at 913 Wellswood Avenue in an area zoned R-3, Limited Multiple-Family Residential.
3. Approved the request of Mr. Dean O'Connor for a variance to expand a nonconforming dwelling unit with a 5-foot rear yard where a 7½-foot yard is required on a corner lot at 721 Willow Glen Drive in an area zoned R-1, Single-Family Residential.
4. Approved the request of Mr. John McDonald for a variance to expand a nonconforming dwelling unit with a 5' 5" rear yard where 10 feet is required and a 4-foot side yard where 5 feet is required on a lot at 732 South Church Street in an area zoned R-2, Single-Family Residential.
5. Approved the request of Mr. Jack Ward for a variance to eliminate the required 6-foot rear yard, screening fence between residentially and commercially-zoned property for an existing upholstery shop at 539 North Hutchins Street in an area zoned C-2, General Commercial with the condition that the applicant install the required screening at the time other commercial uses in the Mar Val Plaza area do.
6. Approved the request of Mr. Stanley Ellsworth for a variance to permit the encroachment of the required off-street parking place approximately 10 feet into the required front yard on a parcel at 629 South Orange Avenue in an area zoned R-2, Single-Family Residential.

The applicant had started to convert his existing garage into a playroom without a building permit or zoning clearance.

7. Discussed the recent City Council actions approving sign variance request for Mr. Sam Salas and Mr. Thomas Doyle. Although no specific action was taken, the Planning Commission was concerned about these reversals.
8. COUNTY REFERRAL - Made no recommendation of the request of Mr. Cleon Forsyth for a change in zoning from the I-PA, Interim, Protective-Agricultural District to the RA-15 Single-Family Residential District for two parcels located on the east side of U.S. 50-00 Freeway between Hogan and Armstrong Roads.

The Planning Commission determined that this request was beyond the Lodi Planning Area limits.

9. COUNTY REFERRAL - Recommended the approval of the request of Plastaket Manufacturing Corporation for a use permit to erect a structure to house the manufacturing of small plastic appliances in an area zoned I-H, Interim-Highway on the south side of Victor Road (Highway 12) east of the California Traction Company right of way.

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COMMUNICATIONS

APPEAL - WELLS FARGO BANK SIGN

A letter was read from Federal Sign & Signal Corporation on behalf of Wells Fargo Bank appealing the decision of the Planning Commission in denying the bank's request for a variance to increase the maximum allowable sign area from 36 sq. ft. to 79 sq. ft. at 14A South School Street. On motion of Councilman Kirsten, Hunnell second, the appeal was set for public hearing at the meeting of April 5, 1967.

RODRIGUEZ CLAIM FOR DAMAGES

A claim for personal injuries and property damage was received from John Joe Rodriguez and Lupe Rodriguez in the amount of \$31,600.69 because of an automobile accident in the vicinity of the intersection of Kettleman Lane and Church Street. On motion of Councilman Brown, Kirsten second, the claim was denied and referred to the City's Agent of Record, Mr. Max Elson.

SILVER ANNIVERSARY SHARPE DEPOT

An announcement was received from the Greater Stockton Chamber of Commerce concerning the 25th anniversary year for Sharpe Army Depot. Plans are under way for an area-wide salute to Sharpe during the week of June 14-21, including a dinner to be held on the evening of June 14 in the Stockton Civic Auditorium. On motion of Councilman Culbertson, Kirsten second, the City Council instructed that a resolution for presentation to depot officials expressing the City's appreciation and congratulations be prepared.

ABC LICENSES

The following applications for Alcoholic Beverage License were noted:

1. Application of Eugene F. and Luella J. Jerome for a person to person transfer, On Sale General Public Premises, for The Friendly Tavern, 23-25 North Sacramento Street.
2. Application of Frances E. Ashford to drop partner, On Sale General Eating Place, for Boyce's, 101 Lakewood Mall.

REPORTS OF THE CITY MANAGER

CLAIMS

Claims in the amount of \$135,796.83 were approved on motion of Councilman Kirsten, Culbertson second.

CONTRACT FOR CITY HALL REMODELING PLANS

Mr. Graves reviewed the conditions of the contract with Marion J. Varner, Architect, for the remodeling plans of the City Hall. Members of the Council were in agreement with the conditions and on motion of Councilman Culbertson, Hunnell second, the contract with Mr. Varner for re-designing the interior of the City Hall was accepted as written.

CONTRACT FOR CORPORATION YARD PLANS

The City Manager then presented a similar contract with Mr. Varner for design of the Corporation Yard. Councilman Culbertson moved that the contract submitted by Marion J. Varner for the Corporation Yard plans be approved. The motion was seconded by Councilman Hunnell and carried.

CHANGE ORDERS FOR LAKE PARK BATH HOUSE

Mr. Arlie Preszler, Architect for the Lodi Lake Park Bath House, presented change orders for Council consideration as follows:

- #1. Rejected

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#2. Replace roll-up doors with rope and pulley doors on ticket windows which would reduce the cost by \$2,143.

#3. Eliminate two folding gates which would reduce the cost by \$232.

#4. Delete three plumbing fixtures which would reduce the cost by \$440.

#5. Add telephone conduit which would increase the cost by \$135.

Councilman Culbertson moved that Change Orders 2, 3, 4 and 5 be approved. The motion died for lack of second. Councilman Kirsten stated that elimination of the plumbing fixtures might be false economy. After discussion, it was moved by Councilman Culbertson that Change Orders 2, 3 and 5 be approved. The motion was seconded by Councilman Kirsten and carried.

LIPILT LEASE

Mr. Graves presented a request from Mr. R. M. Lipelt for renewal of a yearly lease with the City covering a small portion of the Lodi Lake area immediately east of his property. He recommended that the lease be renewed. On motion of Councilman Kirsten, Brown second, the City Council renewed the lease with Mr. Lipelt for one year ending March 31, 1968.

LEASE OF SPORTSMAN'S CLUB PROPERTY

Mr. Graves then recommended renewal of the lease with the Lodi Sportsman's Club at \$300 per year for two acres adjacent to the old City dump site along the Mokelumne River. On motion of Councilman Kirsten, Brown second, the City Council approved extension of the lease for one year ending March 31, 1968.

DESTRUCTION OF CERTAIN FINANCE DEPT. RECORDS

RES. NO. 3037

RECEIVED AT
APRIL 10, 1967

A memorandum was read from the Director of Finance requesting permission to destroy certain records in the Finance Department that were five years old on July 1, 1966. On motion of Councilman Kirsten, Culbertson second, the City Council adopted Resolution No. 3037 authorizing the destruction of certain records as requested by the Finance Director, SUBJECT TO APPROVAL BY THE CITY ATTORNEY.

SPECS - 3/4T TRUCK

The City Manager presented specifications for a 3/4-ton truck for the Public Works Department. Councilman Brown moved that the specifications be approved and calling for bids authorized. The motion was seconded by Councilman Kirsten and carried.

SPECS - POLICE CAR

Specifications for a police car were then presented by the City Manager for Council consideration. He explained that the specifications conformed to specifications used by the City prior to purchase of the Dodge Pursuit cars. Mr. Graves said cities no longer have the opportunity to purchase cars through the State which was how the Dodges were obtained. However, both Dodge and Oldsmobile dealers would be able to supply a car similar to the Dodges purchased last year, but Mr. Graves feels this would not be a good bidding situation. He said the Dodges have given good, trouble-free performance and are being retained another year. Councilman Kirsten stated that money was less important than safety of the officers and their advantage in using cars similar to the Dodge Pursuits. Mayor Walton said the City should maintain the high standard that it set last year. Councilman Kirsten moved that, subject to approval of the City Attorney, the City Manager be authorized to negotiate.

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for a car with the same general specifications as used last year. The motion was seconded by Councilman Culbertson. Councilman Brown said he did not agree as it would be cutting out local dealers. The motion carried with Councilman Brown voting no.

KETTLEMAN
LANE UNDERPASS

Mr. Graves reported that after the City had received the letter from the Chamber of Commerce regarding an underpass on Kettleman Lane, he had met and discussed the matter with Mr. John Meyer, Division of Highways District Engineer. The Division of Highways has done a study considering the feasibility of both an overpass and an underpass. Mr. Graves said the overpass is estimated at \$645,000 and the underpass at \$700,000. Mr. Meyer is of the opinion that if submitted to the State Highway Commission it would be given little consideration at this time because of other projects which are more pressing and need funds. Mr. Meyer has also suggested that the widening of Kettleman Lane from Cherokee Lane to Ham Lane be a part of the project as it would carry more weight with the Highway Commission. Mr. Graves suggested that the Chamber of Commerce submit a petition to the Highway Commission requesting the grade separation at Kettleman Lane.

Mr. Kirsten asked the status of the traffic survey. Mr. Graves replied that the material is ready for the computer, but Mr. Meyer had expressed doubt that the State computer could be used because of the reduction in the State Budget. The Director of Public Works stated he understood that the State would be able to complete the work for the City.

The Council then discussed financing the Kettleman Lane project and possibility of help from the County as well as the State. The Council members were in general agreement that the Chamber of Commerce should go to the State Highway Commission with petitions requesting the Kettleman underpass. Meanwhile the City Manager will contact the County regarding its participation.

M. O. RAY
HOUSE ON
WELLSWOOD AVE.

The next item on the Agenda being the Ray house on Wellswood Avenue and since Mayor Walton is Mr. Ray's attorney, the Mayor relinquished the Chair to Vice-Mayor Culbertson and left the Council table. Mr. Graves reviewed the background on the house which Mr. Maurice Ray, Jr., had purchased from the City. Mr. Ray had received a permit from the City to move the house to 939 Wellswood Avenue on which lot there was a small house at the rear. Subsequently, the City discovered the lot was not large enough to allow a second dwelling. Mr. Ray had been denied a variance to permit the second dwelling on the lot, but the Council had authorized the City Manager to negotiate with Mr. Ray to defray some of the expense if it were legally possible. An estimate of \$1,227.50 had been received to move the house to a lot in the Pioneer Subdivision. However, because of costs in addition to moving costs, Mr. Ray would prefer to leave the house where it is and to remove the kitchen facilities from the house in the rear of the lot so that the property would comply with zoning regulations. Nevertheless, he feels the City should pay him the \$1,227.50, explaining that because of the circumstances he has an obligation to buy the lot on Wellswood and would prefer to leave the house there as it would be less expensive

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than buying a lot in the Pioneer Subdivision in order to move the house. Councilman Kirsten said he could not see how the City could justify paying Mr. Ray for moving the house if he were not going to move it; further, people in the Wellswood area had objected to leaving the house where it is. Councilman Brown moved that the City pay \$1,227.50 to move the house from the lot, but if Mr. Ray does not choose to move the house, no payment is to be made. The motion was seconded by Councilman Kirsten. Mr. Graves said the City is not legally obligated to pay Mr. Ray for any damages, but he suggested that the City might be morally obligated to pay some of the loss, because of the error on the part of the City. Mr. Ray said he would probably be out of pocket \$2300. Councilman Culbertson made a substitute motion to remunerate Mr. Ray the sum of \$2,300 on the condition that Mr. Ray move the house in question off of the lot in question. The motion died for lack of a second. The original motion to pay Mr. Ray \$1,227.50 if the house were moved passed with Councilman Culbertson voting no and the Mayor not voting. Mayor Walton then resumed the Chair.

SURVEY PERMIT
FOR DEPT. OF
WATER RESOURCES

Mr. Graves reported that a year ago the City had given a one-year survey permit to the State Department of Water Resources to conduct surveys on the City's disposal site in connection with the peripheral canal. Word has been received from the Department that they would like to have the permit extended another year. On motion of Councilman Kirsten, Brown second, the City Council approved extension of the survey permit for one year and authorized the City Manager to do so by letter.

ORDINANCES

REZONING
537 EDEN TO
C-2

ORD. NO. 834
ADOPTED

ORDINANCE NO. 834, entitled "AMENDING THE OFFICIAL DISTRICT MAP OF THE CITY OF LODI AND THEREBY REZONING LOT 15, FLORA STREET TRACT, TO BE IN THE C-2 GENERAL COMMERCIAL DISTRICT," having been introduced at the regular meeting of March 1, 1967, was brought up for passage on motion of Councilman Kirsten, Hunnell second. Second reading was omitted after reading by title and the ordinance was then passed, adopted and ordered to print by the following vote:

Ayes - Councilmen - BROWN, CULBERTSON, HUNNELL,
KIRSTEN and WALTON

Noes - Councilmen - None

INFORMATION
BULLETIN

Councilman Culbertson congratulated the staff on the information bulletin which had been mailed to Council members the previous week.

REGIONAL
PLANNING
ALLIANCE

Councilman Culbertson, as Lodi's representative on a committee making a study of a proposed county-wide Intergovernmental Regional Planning Alliance, gave a report on the committee meeting held March 10. The committee had been in agreement that the by-laws of the proposed alliance should stipulate that there should be one vote for each city and one for the County. They had discussed at length the withdrawal possibility to be included in the by-laws and withdrawal after six-month's notice had been suggested so that applications for grants would have time for HUD approval. Councilman Culbertson felt that an

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agency should be able to withdraw at any time and that the City of Stockton might be willing to join the alliance on that basis. He said also to be included in the by-laws was the stipulation that if at any time the alliance considered becoming a taxing body, it would become non-existent.

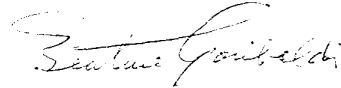
Mayor Walton reported that during a recent meeting of the League's Home Rule Committee, Mr. Miller, President of ABAG, had tried to dominate the meeting to get the committee to endorse the concept of ABAG as it now is. Mr. Miller considers ABAG another level of government as a conclusion of home rule and feels that no one can withdraw and on the other hand governmental units should be compelled to join. Mayor Walton said the Home Rule Committee did not endorse the ABAG concept as presented by Mr. Miller.

Mayor Walton stated there are people who do not understand the type of alliance which is being proposed and that a public hearing should be held before actually joining. The Council agreed that a public hearing should be held.

The Council spent considerable time discussing various periods for withdrawal from the alliance. Councilmen Hunnell and Kirsten favored the six month's limitation while Councilman Brown and Mayor Walton favored thirty days. Councilman Culbertson said he expected the draft of the by-laws to be ready two weeks before the next meeting of the committee.

ADJOURNMENT

At 12:10 a.m. on motion of Councilman Kirsten, Brown second, the Council adjourned.



Attest: BEATRICE GARIBALDI
City Clerk